

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE SUBOXONE	)	Case No. 1:24-md-3092
(BUPRENORPHINE/NALOXONE)	)	
FILM PRODUCTS LIABILITY	)	MDL No. 3092
LITIGATION	)	
	)	Judge J. Philip Calabrese
This Document Applies to All Cases	)	
	)	

**ORDER TO SHOW CAUSE**

On February 13, 2025, this Court entered Case Management Order No. 13—Collection of Records (ECF No. 194). Pursuant to Section IV.C. of that Order, upon receipt of an executed medical authorization and copy of the Order from requesting counsel, an Entity must produce such records to requesting counsel or its designee listed in the authorization within 30 days—which is more than two weeks *longer* than the time for compliance provided in Rule 45 of the Federal Rules of Civil Procedure. Further, pursuant to Section V of that Order, failure to comply with any of the terms of the Order will result in an Order to Show Cause why the Entity should not be held in contempt or subjected to sanctions under Rule 37(b)(2)(A) for failure to comply with a discovery order.

Since the entry of Case Management Order No. 13, Walgreens, Safeway, and Porch Light Health | Front Range Clinic have failed to comply with numerous requests for pharmacy records submitted by counsel in this litigation that were submitted in compliance with the Case Management Order No. 13. Specifically, they have failed to comply with the Court's Order by failing to provide pharmacy records

within thirty (30) days to requesting counsel for the Plaintiffs listed on **Exhibit A** (attached to this Order to Show Cause), even though requesting counsel provided them with executed medical authorizations and copies of Case Management Order No. 13. Plaintiffs' Leadership Counsel ("PLC") has submitted to the Court this list of Plaintiffs for which Walgreens, Safeway, and Porch Light Health | Front Range Clinic have failed to provide such records after receiving executed medical authorizations and pharmacy requests from requesting counsel. *See* **Exhibit A**. The PLC has informed the Court of its attempts to obtain these records from CVS.

At a hearing on May 15, 2025, the PLC made an oral motion for an Order to Show Cause. Upon consideration of that motion, and the record as a whole, and pursuant to the Court's authority to direct and control the coordinated discovery in this multi-district litigation under 28 U.S.C. § 1407, Rules 16, 26(b), and 45 of the Federal Rules of Civil Procedure, and the Court's inherent authority, the Court **ORDERS** Walgreens, Safeway, and Porch Light Health | Front Range Clinic to Show Cause why each should not be held in contempt or subjected to other or additional sanctions under Rule 37(b)(2)(A) for failure to comply with Case Management Order No. 13 by not providing pharmacy records within thirty (30) days to requesting counsel for the Plaintiffs listed on **Exhibit A**.

Further, the Court **SCHEDULES** a show-cause hearing for June 13, 2025 at 102:00 a.m. eastern in Courtroom 16B, 801 West Superior Avenue, Cleveland, Ohio and **ORDERS** the custodian or another representative of Walgreens, Safeway, and Porch Light Health | Front Range Clinic with knowledge of its responses to the

requests for records relating to the Plaintiffs listed on Exhibit A to appear, to explain their failure to comply with Case Management Order No. 13, and to identify the steps being taken to provide the records requested.

The Court **ORDERS** requesting counsel to serve this Order to Show Cause on the representative(s) of Walgreens, Safeway, and Porch Light Health | Front Range Clinic with whom he or she has been dealing and to certify service. If the records are provided in advance of the date of the hearing, the Court will withdraw this Order to Show Cause.

**SO ORDERED.**

Dated: May 20, 2025

A handwritten signature in black ink, appearing to read 'J. Philip Calabrese', is written above a horizontal line.

J. Philip Calabrese  
United States District Judge  
Northern District of Ohio